

No. 9/6/86-6Lab./9397.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala in respect of the dispute between the workman and the management of The Secretary, Haryana State Agricultural Marketing Board, Sector 6, Panchkula.

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
AMBALA

Ref. No. 199 of 1985

SHRI KESHAV DUTT, WORKMAN, SON OF SHRI KHIMA NAND, R/O BURRAIL, CHANDIGARH
(U.T.) AND THE MANAGEMENT OF THE MESSRS SECRETARY, HARYANA STATE
AGRICULTURAL MARKETING BOARD, SECTOR 6, PANCHKULLA

Present : Shri Janak Raj Sharma for workman.
Shri P. C. Vatrana for respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of powers conferred,—vide clause (C) of sub-sections (i) of section 10 of the Industrial Disputes Act, 1947, referred dispute between Shri Keshav Dutt and Messrs Haryana State Agricultural Marketing Board, Panchkulla to this Court. The terms of the reference are as under :—

“Whether termination of services of Shri Keshav Dutt, is justified and correct, if not to what relief is he entitled ?”

Workman alleged that he was in the service of Respondent-Management for the last more than 240 days. His services were terminated in violation of provisions of section 25 (F) of Industrial Disputes Act, 1947. He prayed for his reinstatement with continuity in service and with full back wages.

Respondent-Management contested the dispute and contended that respondent-management is not an industry. So it does not come in the definition of industry, hence the workman cannot redress any relief from this court. It was also contended that workman was appointed on three months basis. As soon as the service period of the workman came to an end his services stood automatically terminated. It was also contended that workman never remained in the service of respondent-management either for 240 days or more than 240 days.

Workman filed replication through which he controverted the allegations of the respondent-management.

On the pleadings of the parties the following issues were framed :

Issues :

- (1) Whether termination order regarding services of workman, is justified and correct, if not to what relief is he entitled ? OPM
- (2) Whether dispute is not covered in the definition of industry ? OPM
- (3) Whether applicant is not an workman as defined in Industrial Disputes Act, 1947 ? OPM
- (4) Whether applicant was employed on contractual basis, if so its effect ? OPM
- (5) Relief.

Management in support of its case examined Shri P. C. Sharma and closed its evidence. Reference was fixed for evidence of the workman. At this stage parties arrived at an compromise. Shri P. C. Vatrana made statement that respondent-management is willing to take back the workman in service and shall also make payment of retrenchment compensation from the date of appointment till the day of termination as per rules, in other words 15 days wages. He also stated that benefit of continuity in service shall be given but no back wages shall be paid to the workman.

This statement of A. R. of Management has been accepted by the workman and his A.R.

In view of the above compromise arrived at between the parties I order that the workman be taken in service on or before 1st October, 1986. Retrenchment compensation be paid in due course. Workman shall be entitled to the benefit of continuity in service, however workman shall not be entitled to the back wages of the period during which he remained out of job and employment of the respondent-management as per the compromise arrived at between the parties. I pass award regarding the dispute between the parties accordingly.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

Dated, the 25th September, 1986.

Endst. No. 2477, dated 24th September, 1986.

Forwarded (four Copies) to the Financial Commissioner & Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.